IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

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Plaintiff,

v.

Civil Action No. 12-1470 (GMS)

EARTHLINK, INC.,

Defendant.

STIPULATION OF DISMISSAL

It is hereby stipulated and agreed by and between the parties, through their attorneys of record, that this action is dismissed without prejudice, with all attorneys' fees, costs of court and expenses relating to this action to be borne by the party incurring same.

Dated: June 10, 2013 Respectfully submitted,

/s/ Matthew C. Gaudet

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